



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

MAY 13, 2003

PRESENT: Acevedo, Benich, Engles, Escobar, Lyle, Mueller, Weston

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, Director of Public Works (DPW)
Ashcraft, Deputy Director of Public Works/Engineering (DDPW/E)
Bjarke, DPW Senior Engineer (SE) Creer, Associate Planner (AP)
Tolentino, Assistant Planner (AP) Plambaeck, and Minutes Clerk Johnson

Chair Acevedo called the meeting to order at 7:00 p.m.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Acevedo opened the public hearing.

With no one present wishing to address matters not appearing on the agenda, the public hearing was closed.

OLD BUSINESS:

1) ZA-02-15: E. DUNNE-HO

A request for approval of precise development plan and development guidelines for a 18,450 sq. ft. retail office facility to be located on a 2.35 acre area located on the north west corner of the intersection of E. Dunne Ave. and Murphy Ave. in the PUD zoning district. The proposed precise development plan and development guidelines would also apply to the developed 1.53-acre area to the west.

PM Rowe presented the staff report, reminding that this item was continued from the April 8, 2003 Commission meeting. The location of the subject site is between Condit and Dunne Avenues, with Murphy Avenue being of interest as this street is indicated

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to be an arterial and will contain the dedicated turn lanes. PM Rowe called attention to the page 5, section V: Transportation of the Mitigated Negative Declaration which had been prepared, wherein it is stated: *Murphy Ave. is currently designated as an arterial (92 ft. wide ROW) in the General Plan. The project as proposed will provide a 56-ft. dedication from center line of Murphy Ave. at the Dunne Ave. intersection. The project will be installing full improvements along the Murphy Ave. frontage: There will be a dedicated left hand turn lane, right hand turn lane, one thru lane, a bike lane and enough excess pavement to provide a second thru lane in the future.* PM Rowe went on to explain that the comprehensive Murphy Avenue corridor study will involve looking at realignment of the Murphy Avenue extension, and providing alignment of Murphy Avenue and Condit.

Commissioner Escobar cited Exhibit A, dealing with the ingress/egress during the construction phase of the project, asking for explanation of the planned routes.

SE Creer responded that the access will be by way of Murphy and exit from Dunne.

PM Rowe reminded that a concern had been the definition of *fast food restaurants*, and he called attention to Section 18.04.382.8 of the Municipal Code which provides the definition. He also indicated changes in the conditional uses: No more than ~~three~~ *five* fast-food restaurants, *maximum of two fast-food restaurants on parcel number 728-17-0167, maximum of two fast-food restaurants on parcel number 728-17-23, only one of which may be freestanding and only one drive-thru fast-food restaurant on parcel number 728.17-0176. No fast food, drive-thru restaurants are allowed on parcels 728-17-16 & 23.*

PM Rowe explained that the maximum number of fast-food restaurants is five, and proceeded to explain the other types of businesses allowable on the site, noting that staff will receive and analyze all applicant requests. "The recommendation of the Planning Commission to the City Council is open-ended," PM Rowe explained, "but the language in the Ordinance dealing with the conditions and provisions for PUDs is very specific."

Commissioner Lyle questioned whether the items under discussion (fast-food restaurants, for example) were specific to this PUD or the entire intersection? PM Rowe replied that it appears that the restrictions go back to when the City Council set up the PUD for this area.

Commissioner Lyle noted concern that if more than one PUD has application for another hamburger restaurant, it would not be grand to have even more of these

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types of businesses in a gateway location.

PM Rowe reminded that the provision from the PUD Ordinance, that being what the Commissioners were operating under, was verbatim language from the Ordinance. Regarding regulations, the language of the Ordinance was cited repeatedly as Commissioners raised other examples which might appear in conflict.

Discussion for clarification of the language for designation of fast-food restaurant placement at various locations of the proposed building ensued, with a suggestion that perhaps more flexibility of business locations within the development might be desirable. The issue of signage, which some Commissioners felt to be excessive, was discussed at length.

Chair Acevedo opened the public hearing.

Vince Burgos, 352 S. Eagle Nest Ln., Blackhawk, said that the Planning Department staff has thoroughly reviewed the plan(s). He said the Architect has worked with the Signage Company to be very detailed.

Jeff King, 17705 Hale, #F4, spoke to the Commissioners, saying this is a speculation building and the drawings for the signs are not set, but the applicant is requesting that at least two signs per business be on the buildings. "We don't know yet where the tenants will be located, so we can't be certain of all the needs for signage at this point," Mr. King indicated.

Commissioner Lyle said that, as one member of the Commission, he is concerned that there appears to be a 'large number' of signs indicated for the building. Several of the Commissioners agreed.

Commissioner Mueller raised the issue of the Monument sign, asking what was planned?

PM Rowe said that generally, the name of the development, and any major tenants would be listed. "There may be others listed, as well," he said. Commissioner Mueller said he has seen Monument signs where all the businesses are listed. PM Rowe said the Monument sign permitted under code doesn't allow a 'business directory'. Commissioner Mueller said there is need for a better solution than multiple signs on F building. PM Rowe explained that some buildings permit entrance signs only at the tenants locations.

Mary Johnson, 17470 Murphy Ave., asked the Commissioners to consider the concerns that area residents have regarding traffic near Nordstrom School and the neighborhood park. She said that the proposed uses may well impact children. Ms. Johnson went on to say that she likes the plan for the street connections.

Michael Lawson, 1385 James Ct., asked about notification to the public of this agenda item. He went on to say that he echoes the safety issues raised by the previous speaker and asked that the concerns of the residents be seriously considered.

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PM Rowe explained the public noticing, including the individual notices to property owners within 300-feet of the project(s) under consideration and the legal postings for a larger noticed area.

With no others indicating a wish to speak to the matter, the public hearing was closed.

Commissioners asked explanation of the fast food restaurants within a PUD and the requirements of a use permit. PM Rowe told them that the PUD gives an overlay of what happens to an area regarding development within, and noted that a fast-food restaurant generally has a Conditional Use Permit governing the uses permitted.

Commissioner Escobar said that he noted a list of other projects with restaurants and said that that the restaurants can definitely have an impact on traffic. He said, "There are lots of projects in proximity to this one. I don't know if the whole picture is being considered." Responding, Commissioner Mueller said that if proper procedures are being followed, data regarding the 'big picture' is presented as 'background' in the staff report of the project.

Commissioner Lyle said that is correct but some things may not be addressed, such as the four to six driveways very near the Condit/Dunne intersection. He said that because of the space intervals, tight turns of especially large vehicles may occur, and that may result in a lack of free-flowing traffic. Because the Murphy Avenue corridor study has not been completed, he said, it may be difficult to synchronize good traffic flow. Commissioner Lyle went on to say that the location of the swimming pool triples the driveways on Condit.

COMMISSIONERS MUELLER/LYLE MOTIONED TO APPROVE THE MITIGATED NEGATIVE DECLARATION.

Commissioner Weston asked for discussion of the lighting/signage issues, reiterated the definition of 'fast-food restaurants', and whether the five permitted fast-food restaurants were on a first come, first obtained basis. Commissioner Mueller stated those items were covered in the PUD zoning, with other Commissioners concurring.

THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

COMMISSIONER MUELLER OFFERED RESOLUTION NO. 03-21, RECOMMENDING APPROVAL OF A ZONING AMENDMENT TO ESTABLISH A PRECISE DEVELOPMENT PLAN AND DESIGN GUIDELINES FOR A PUD DISTRICT ON THE NORTH SIDE OF E. DUNNE AVE., WEST OF MURPHY AVE., AND EAST OF CONDIT RD.

Commissioner Weston said that if signage was not kept on Dunne, there would be detriment to the business owners.

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Commission Lyle commented that it is very important to keep the shopping center 'nice', not like the strip mall behind the location under discussion.

Commissioner Weston said he did not want back-lit signs.

Commissioner Mueller said he would have no problem with asking the Architectural Review Board (ARB) to decide what kind of signage.

Commissioner Benich joined the discussion by saying, "If we allow commercial and office buildings, I would have no problem with signs that are well designed and architecturally sound." He continued by suggesting that the monument sign concept for this development be revisited.

Commissioner Lyle commented that both the ARB and the Commissioners need to explore the possibility of discovering if the number of signs can be reduced. "There should be some limits," he declared.

PM Rowe explained the placement and numbers of signs for developments like this.

Commissioner Benich said that when people are going to the buildings and looking for a business, they want to be able to see the signs.

Commissioner Mueller amended the motion by adding the following language:
COMMISSIONERS WILL GIVE DIRECTION TO THE ARB TO LIMIT, BUT NOT ERADICATE THE SIGNS, GIVING ATTENTION TO ELIMINATING ANY BACK LIGHTING FOR SIGNS.

Commissioner Escobar commented that it would be 'counterproductive' to put restrictions on the businesses which may be stringent and that cannot be successful. "If it is clear signage where customers are able to delineate the sign from the street easily, I would be willing to allow the signs," he said.

Commissioner Engles asked if there would be on-street parking at East Dunne for the project. [No] He expressed interest in watching this project as it progressed. Commissioner Engles said he was interested in how successful the design and placement of the buildings would be, noting that 'retail generally likes strip malls further back from the street. He commented that it is 'obvious' that there should be signs for each business.

Commissioner Weston said he is very much against plastic signs with fluorescent backgrounds.

PM Rowe explained, with examples, different types of lighting/signage treatments.

Commissioner Weston said there is temptation on the part of businesses to put neon signs in windows. He suggested if signage conditions were part of approval for this project, it would cut down on 'tackiness'. Commissioner Weston said he would like to see conditions prohibiting signage on the Dunne Ave. side of the project.

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Chair Acevedo recommended having signs that can be read from either side for the sake of clarity. He said that two signs per business is 'OK' with him. Chair Acevedo said he thought having the ARB look at the architectural features and making recommendations on the signage would be a good idea.

Commissioner Lyle added his thoughts by referring to Staff recommendation #6, Condition 62, regarding the ratio for monument signs is 1:1, suggesting the data be added to the Resolution.

PM Rowe suggested referencing PUD guidelines in section 4 of the Resolution which would follow the changes contained in Exhibit A.

Commissioner Lyle said the sign guidelines should be in keeping with the gateway location.

Discussion ensued regarding the amendment to the motion offered by Commissioner Mueller.

PM Rowe called attention to item 4 (lighting) of the Recommended Changes to the Proposed PUD guidelines.

Commissioner Lyle said there needs to be clarification in the definition of 'PUD areas'. He suggested language to indicate *other PUDs at this intersection* (referencing the Murphy/Dunne/Condit intersection).

Commissioner Mueller and Chair Acevedo reminded that restrictions can be placed on projects through a Conditional Use Permit.

COMMISSIONER MUELLER RESTATED THE MOTION: APPROVE RESOLUTION NO. 03-21, A RECOMMENDATION OF APPROVAL OF A ZONING AMENDMENT TO ESTABLISH A PRECISE DEVELOPMENT PLAN AND DESIGN GUIDELINES FOR A PUD DISTRICT ON THE NORTH SIDE OF E. DUNNE AVE., WEST OF MURPHY AVE., AND EAST OF CONDIT RD. WITH THE (STAFF RECOMMENDED) CHANGES TO SECTION 5, AND SENDING THE PROJECT TO THE ARB FOR REVIEW OF SECTION 4, INCLUDING DESIGN GUIDELINES 5 – 7, AND GIVING DIRECTION TO THE ARB TO MINIMIZE THE NUMBER OF SIGNS ON MURPHY AND DUNNE AVENUES, MODIFYING AS THE ARB SEES FIT ON SECTION THREE, SUBSECTION #63, AND CLARIFYING THE AREA(S) OF THE PUD AT THE MURPHY/DUNNE/CONDIT INTERSECTION. THE MOTION WAS SECONDED BY CHAIR ACEVEDO AND PASSED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT.

NEW BUSINESS:

**2) UPA-91-02:
TENNANT-
STUCKEY/KING'S
MARTIAL
ARTS**

A request for approval to amend a use permit to allow the expansion of a martial arts studio/drop in recreational program an additional 1800 sq. ft. in an existing 20,333 sq. ft. building in the Light Industrial zoning district. The site is a 1.35 acre site located at 380 Tennant Ave.

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AP Plambaeck presented the staff report, noting that this was actually three requests: approval of the drop-in recreation facility in Units 7 and 8; approval of the operation of the karate studio in Unit 7; and approval to move the Martial Arts studio from Unit 7 to Unit 1. He said that the request(s) is somewhat unusual in that the applicants do not, at present, have a projected date for moving the studio to Unit 1. AP Plambaeck noted that findings are required for approval of a conditional use permit, which he then listed for the Commissioners.

Responding to questions from the Commissioners, AP Plambaeck explained the current use in Unit 6, noting that the Fire Department has oversight responsibilities for the safety of the operations in that Unit. He also clarified the language requiring sprinklers (Standard Conditions, page 5, #3) saying that if the use of the building changed, sprinklering might be required.

Commissioners agreed that in the Other Conditions, there should be a constraint that when the Martial Arts operations move to Unit 1, no other Martial Arts business could move into Unit 7.

Commissioner Mueller said it is important to include in Other Conditions a provision that CA State requirements for Martial Arts studios will be followed. Other Commissioners concurred with the language.

Chair Acevedo opened the public hearing.

The applicant, Jeff King, 380 Tennant Ave., #7, commented on the benefits to the community regarding the drop-in tutoring/after school program, saying it is very positive for the community. He thanks AP Plambaeck for his assistance, noting he had been 'very helpful' during the application process.

Commissioner Benich asked clarification on the hours of operation? The response was that the after-school program is for four hours per day, and the operation of the Martial Arts teaching program is from 4 to 8 p.m. Following discussion, it was clarified that during the summer and holiday times, the drop-in program operates longer hours, providing summer camp and field trips. Commissioners felt it important to include this information as an element of the Conditional Use Permit. Consequently, the applicant agreed to provide an addendum to this letter of operations indicating the times of operation when school is out of session.

Commissioner Weston raised the issue of traffic patterns when the business moves from Unit 7 to Unit 1. He asked if there were children present in the parking lot at night? The applicant responded that any time a child is in the parking lot, an adult must be present.

Mr. King clarified that the reason he is requesting approval for the move from Unit 7 to Unit 1 is to avoid additional fees when the move becomes reality. He stressed that the move is in the 'planning stages' at this point in time.

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Commissioner Lyle asked the applicant if the operation were to move to Unit 1, would both Units 7 and 8 be vacated? Mr. King responded that was a possibility.

Commissioner Escobar clarified that the business has about 35 students and went on to ask about the ratio of students to square footage.

Mr. King asked if approval is obtained at this meeting, how long before it will take effect? PM Rowe explained the appeal process, noting the time lines for objections to the proposal.

Albert J. Soto, 5714 Crow Lane, San Jose, urged approval of the request, saying that as Pastor of a Church where the Kings had run a program for six + years, he has seen the tremendous job they do. Rev. Soto stated that the kids enrolled in the programs are never at risk. He went on to tell Commissioners that the programs are well organized and that the Kings do a good job.

Michael Lawson, 1385 James Ct., said he has known the Kings since 1992 and can speak to their high level of integrity and good character. Mr. King stated that he has seen the results of their contributions to the community, and that they always accept their first responsibility as that of safety for the children enrolled in their programs.

With no others indicating a wish to speak to the matter, the public hearing was closed.

Chair Acevedo reminded that the Standard Condition dealing with the hours of operation should be corrected, and that the applicant is to submit a letter so indicating.

Commissioner Weston expressed concern that the proposal is in an area that is 'too industrial, too close to the intersection of Tennant and Railroad'. Even though the business has been there a long time, he said, it seems that the concerns about the amount of traffic at the intersection have not been thoroughly addressed.

COMMISSIONERS MUELLER/ESCOBAR OFFERED RESOLUTION 03-30, APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT TO ALLOW AN EXISTING MARTIAL ARTS STUDIO TO OPERATE IN UNIT 7, ALLOW A DROP-IN RECREATIONAL FACILITY IN UNITS 7 AND 8, WITH EXTENDED HOURS WHEN SCHOOL IS NOT IN SESSION, AND ALLOW THE APPLICANT TO MOVE FROM UNIT 7 TO UNIT 1 IN THE LIGHT INDUSTRIAL ZONING DISTRICT. THE MOTION ALSO INCLUDED THE PROVISION AT ALL CA STATE REQUIREMENTS CONTINUE TO BE MET FOR THE MARTIAL ARTS PROGRAM. FURTHERMORE, BECAUSE OF THE UNIQUENESS OF THE REQUEST TO MOVE TO UNIT 1 WHEN VACATING UNIT 7, THE APPLICANT WOULD NOT BE REQUIRED TO SUBMIT A NEW APPLICATION. ADDITIONALLY, SHOULD THE APPLICANT VACATE UNIT 7, THE CONDITIONAL USE PERMIT WILL NOT 'CARRY FORWARD' FOR THAT UNIT.

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LASTLY, THE APPLICANT IS TO PREPARE AND SUBMIT TO THE PLANNING DEPARTMENT AN EMERGENCY EVACUATION PLAN WHICH HAS BEEN APPROVED BY THE MORGAN HILL POLICE DEPARTMENT. THE MOTION WAS PASSED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT.

3) ZAA-98-16: CONDIT- HORIZON LAND

A request for approval to amend the Horizon Land Planned Unit Development (PUD) and establish a precise development plan to allow for the construction of a 30,027-sf Ford Dealership on an approximate six acre site. The Horizon Land PUD is located between Condit Rd and Hwy 101, north of E. Dunne Avenue.

AP Tolentino presented the staff report, saying this is a precise development plan for a previously approved PUD.

AP Tolentino explained the location, approved uses for the PUD, the subject parcel which is proposed for development at this time, and the remainder of the PUD which will not be concurrently developed.

AP Tolentino informed Commissioners of the requested amendments to the Horizon Land PUD Guidelines, noting that a majority of the proposed amendments are related to architectural design. AP Tolentino also explained the applicant is requesting exceptions to the city-wide PUD standards. Should the Commissioners wish to approve the request, findings as outlined in the report will be required.

AP Tolentino identified the concerns raised by Planning Department staff:

- ◆ Lighting (the applicant will be required to provide a photometric plan for the ARB review)
- ◆ Minor site plan changes to comply with minimum code requirements.

An area resident had sent an e-mail denoting her concerns. The e-mail had been distributed to Commissioners, AP Tolentino said.

AP Tolentino went on to discuss the findings of the traffic study prepared for the proposed project. Based on the traffic study, the unsignalized intersection of Murphy/ Dunne Avenue would be significantly impacted by the Ford dealership and buildout of the PUD. Signalization of the intersection would improve conditions to an acceptable level. However, a warrant study will be required to determine whether a traffic signal would be appropriate at this intersection.

Commissioner Escobar referenced warrant studies, asking who prepares these, who pays for them? SE Creer said that the cost has been studied and was shown to be higher than originally thought. He added that the developer is responsible for the initial cost of the study.

Commissioner Lyle questioned the need for an additional warrant study, as the traffic study indicates that the intersection satisfies the warrant requirements for signalization. Sue DeBorde of Fehr & Peers, 255 N. Market St. #200, San Jose,

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traffic study consultant, explained the intersection met only one of the eleven warrants. The additional warrant study will determine if the intersection meets at least six of the eleven warrants.

Commissioner Lyle asked the traffic consultant why the impact to the Murphy/Dunne Avenue intersection is considered significant if the Ford Store will add only three AM and six PM peak-hour trips and buildout of the PUD will add only 14 AM and 16 PM peak-hour trips. Commissioner Lyle also wanted to know if a signal at the Murphy/Avenue intersection would create synchronization problems with the existing lights at the freeway ramps and Condit Road.

A discussion ensued regarding the guidelines the City has in place for determining the significance of project generated traffic. Ms. DeBorde also explained traffic light synchronization would not be impacted.

Commissioner Lyle expressed concern regarding the timing of the traffic study, noting that the peak hours of traffic count may have been lessened because of the current economy.

Ms. DeBorde responded that studies have shown that slower economic conditions have generally not had a large effect on peak hour traffic.

Commissioner Mueller asked about the tables in the traffic report, calling attention to Table 4 on page 16 and Tables 6 and 9 on pages 22 and 32, respectively, which appear to be in conflict. He particularly questioned why the average intersection delay for the southbound ramp decreased with increasing development. Ms. DeBorde responded by explaining that with added traffic to a movement, "green time" increases and the weighted average of the intersection movements improves.

Commissioner Lyle asked if Highway 101 is considered a 'public street'? The reason for the question, he explained, is the condition calling for screening (of the business) from public streets. There may be a need to change some of the language in considering the PUD guidelines.

Chair Acevedo asked about the photometric study; does the lighting in this proposal compare to that of the Chevrolet dealership? AP Tolentino explained the heights of the poles, but said the comparison can't be made until the photometric study is completed.

PM Rowe interjected that the same standards will apply as those conditioned to the Chevrolet dealership.

Chair Acevedo opened the public hearing.

Mary Johnson, 17470 Murphy Ave., told Commissioners that she had sent the e-mail distributed to each of them. "I'm very concerned about the traffic," she said. "When the large transport delivery trucks come down Murphy, real safety concerns exist for the turns and delivery. I would hate to see so much heavy traffic so near the park," she said. Ms. Johnson continued by asking how much light would be visible

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to the neighborhood? Will there be midnight madness sales with spotlights everywhere?" she asked. Ms. Johnson cited that there may be test drive routes through the neighborhood and this would create additional safety issues for the residents. As to the Condit intersection, she said, there is a need to see if that area can handle the businesses which have been proposed. She concluded by asking the Commissioners to try to protect the residents in the Murphy Avenue area.

Michael Lawson, 1385 James CT., said he was again echoing the concerns raised by Ms. Johnson in the testimony just presented. He urged Commissioners to look at the overall picture, saying the conditions on Condit are not logical for this area. "This is crazy," Mr. Lawson exclaimed, "Condit needs to be four lanes, Murphy two (lanes). The Chevy business violates the lighting ordinances. You need to think of the safety of the children in the neighborhood. Park use on weekends is increased and will also be big for the car business". Mr. Lawson did not think semi trucks transporting the Ford vehicles would be able to negotiate the left-hand turn onto Condit Road, and therefore, would use Murphy Avenue. He again asked Commissioners to 'consider the big picture'.

Bruce Tichinin, 17775 Monterey, indicated he was appearing on behalf of his legal client, Bob Lynch Ford of Gilroy. Mr. Tichinin said that there is nothing in the report that supports the findings required to approve the exceptions to the city-wide PUD standards. He continued by stating "In the Negative Declaration, there must be a finding of no 'compelling evidence' of harm to the environment." Mr. Tichinin went on to say that the applicant is asking for seven exceptions and that amounts to his essentially asking the Commissioners and the City to disregard the PUD guidelines. "Unless the Commission grants those exemptions, he said, the applicant cannot use the property for the proposed use." As to other issues on the findings, Mr. Tichinin indicated that the staff report does not identify mitigation to compensate for the requested exemptions of the design features was not indicated in the staff report. He said the applicant was asking the Commissioners to break the law in this case.

Mr. Tichinin continued that the lighting plan calls for an excessive amount of poles, and listed the issues of 1) glare 2) traffic 3) noise 4) contamination as being problems which have not been addressed adequately. Mr. Tichinin urged the Commissioners to 'please deny the mitigated negative declaration as prepared and insist on a full Environmental Impact Report'.

Vince Burgos, 352 S. Eagle Nest Ln., Blackhawk, said the applicant has worked closely with the staff to meet the requests for changes. The ARB has conducted a preliminary review and the applicant understands that a full review must take place with the ARB following Commission action. "I can't address all the issues raised by the speakers at this time," Mr. Burgos said. "We are asking to amend the current PUD, and have presented an application that minimizes the number of buildings, with intent to retain the design elements of parking, traffic and so forth."

Commissioner Weston asked for clarification as to drawings of the landscaping plan. AP Tolentino provided the explanation.

With no others present and indicating a wish to address the issue, the public hearing was closed.

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Commissioner Lyle clarified for Mr. Tichinin how traffic trips are calculated.

Commissioner Benich said that originally he had been skeptical, but now was pleased with the revisions. The design changes, he said, had been accomplished. Commissioner Weston interjected that was not the case, the design changes had not been done. Commissioner Benich said they look changed in the revision. AP Tolentino explained that the changes have not been made. Commissioner Benich said, "Well, then I don't like the project." However, he continued, he has a different view of test drives than that of the speakers, thinking that residential streets would not be chosen by most drivers who would want to get on the freeway. "This really is an ideal location for a car dealership," Commissioner Benich said.

Commissioner Mueller explained that a car dealership is permitted use in the PUD. The applicant is asking for a PUD change to establish the precise development plan.

Chair Acevedo asked what traffic impact the suggested uses would have? "This seems to have less impact on the environment than the prior allowable uses," he commented.

AP Tolentino agreed, saying that staff felt there would be significantly less traffic impacts than for the original plan.

Chair Acevedo called attention to the Condit intersection, saying, "Large delivery trucks turn there frequently, albeit sometimes turning a bit wide, but they do it and then they don't go down to Murphy."

Chair Acevedo continued, asking about data on the Chevrolet dealership and accidents. SE Creer said he hadn't heard anything on the matter.

Commissioner Benich asked if the project would be seen again by the ARB? Chair Acevedo indicated this was the case. Commissioner Benich said he was concerned about the 'ugly roofline'.

Commissioner Lyle listed several issues of concern:

- ◆ an outside paging system
- ◆ glare/lighting issues (is a study planned?) [He said that one of the goals should be to ensure that the same mistakes are not repeated that exist at the Chevy dealership.]
- ◆ setting a standard above existing projects which are too bright, too obnoxious

Commissioner Weston said he has many concerns about the project:

- ◆ location of the building
- ◆ amount of parking on the freeway side
- ◆ showroom facing the hotel; it should be flipped, he said.
- ◆ service area
- ◆ lack of landscaping
- ◆ the design itself, which he described as close to horrible
- ◆ traffic issues, which he described as horrible

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Commissioner Engles spoke on the location, noting the City is limited as to where businesses for generating City revenue can be put. He said that in his opinion, Gilroy Ford just doesn't want to see Morgan Hill Ford.

Chair Acevedo asked about the photometric study, specifically if a provision should be added regarding lighting levels. AP Tolentino said that provisions exist that require the developer to adjust lighting if found to be too intensive. She said staff must look at lighting requests and review on a case by case basis.

Discussion began on talks with the Chevy dealership regarding lighting issues.

Commissioner Engles left the meeting at 9:31 p.m. and returned at 9:33 p.m.

PM Rowe explained the lighting at the Chevy place, such as the heights of the poles, shielding, and the type of lights used.

Commissioner Escobar said it was interesting that the City designates PUDs on the freeways then goes to great lengths to put in restrictions so the businesses are apt to fail. "I don't want to deal with people in a disparity way," he declared. "If the car dealership business doesn't go here, then where? I don't want to scare business away, if there is possible mitigation at all. I like the location."

Commissioner Lyle commented that if there were good screening, it would not be detrimental to the business.

Chair Acevedo said there would be less impact than if the original uses were put in, adding that he supported the staff recommendations.

Commissioner Mueller reminded this is a request to establish a precise development plan. "With the current zoning, an auto dealership is a permitted use," he said. Commissioner Mueller went on to say that the Commissioners needed more clearly stated findings in the areas of traffic and lighting. He said the photometric study is certainly necessary to ascertain the adequateness of having the area lit for safety. If spotlights are currently in use by the car dealerships in town, Commissioner Mueller reflected, there is certainly code violation. He went on to suggest that as part of the zoning amendment, the route for test drives should be limited, as well as having language that controls outside noise (speakers, paging systems). "We need the Resolution guidelines strengthened and brought back," he said.

Commissioner Lyle asked about the elevation of Highway 101 versus the back of the property, noting that the berming called for may not be adequate.

COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO CONTINUE THE REQUEST TO THE NEXT MEETING.

Commissioner Weston asked that clarification be made in Section 5 of the Resolution, items A through G.

Commissioner Mueller said that exceptions could be allowed with findings.

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Commissioner Weston asked what he can expect to see in two weeks regarding this matter?

PM Rowe said the findings need to meet the standards in the Code, citing specifics.

Commissioner Lyle asked if specific exceptions could be addressed by staff, such as landscaping, loss of display space, etc. "Some of the language is confusing," he acknowledged.

Commissioner Mueller said it is important to limit exceptions to specific areas.

Mr. Burgos asked when the matter will go to the City Council? PM Rowe said it will be June 4, 2003.

There was discussion regarding notification time(s) and the movement of items from the Planning Commission to the City Council.

Chair Acevedo asked if the vote was unanimous; Commissioner Weston stated he would probably vote 'yes' but had questions, such as the site plan, whether the whole plan would be returned to the ARB [it was ascertained that the ARB would review the project following action by the City Council.

THE MOTION PASSED WITH THE AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT.

OTHER BUSINESS:

4) FINDING OF GENERAL PLAN CONSISTENCY Commission requested to review the draft Five-Year Capital Improvement Program (CIP) for consistency with the Adopted 2001 General Plan.

FOR DRAFT FY 03/04 – 07/08 CAPITAL IMPROVEMENTS PROGRAM (CIP) DDPW/E Bjarke presented the staff report, saying the 5-year CIP is part of the City Department's review process. He and DPW Ashcraft explained the process, noting where the City currently is in the process.

The elements of the CIP are:

- Parks
- Public facilities
- Sanitary Sewer
- Storm drainage
- Streets
- Water

DDPW/E Bjarke explained the ramifications of the funding for each of the elements and explained the details of the majority of them.

Commissioners made suggestions/had suggestions for:

- Linear park expansions
- Interlink between the Community Park and the Indoor Recreation Center

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- Elimination of gym 'redundancy'
- Consideration of land purchase to create publicly-owned walking path to the top of El Toro
- Strengthening provision of lighted tennis courts
- 'Beefing up' library enhancement funds
- Installation of the 3rd fire department before 2009

Commissioner Engles left the meeting at 10:35 p.m.

Discussion ensued regarding:

- Infiltration into the sanitary sewer system
- Flooding on Butterfield (30 acres is being purchased for mitigation purposes)

Commissioner Engles returned at 10:39 p.m.

- The need for lobbying of the Water District to have the engineering design completed on PL 566, then work on securing funding for the project's completion.
- The essentialness of having street level of service consistent with the General Plan.
- Exploring the possibility of adding perchlorate-testing quarterly [DPW Ashcraft informed that testing is being done monthly, then the water system will be tested quarterly.]
- Possibility of a fluoridation study.
- Presentation of a summary analysis [parks per population – DPW Ashcraft explained current amount(s): 4.1 acres / 1,000 population is in keeping with reaching the goals set by the Parks Master Plan. (He noted this is a substantial increase from two years ago.)]

Commissioner Lyle stated there is a need to include projects identified in the Downtown Master Plan in next years CIP report.

COMMISSIONER MUELLER OFFERED RESOLUTION NO. 03-29, RECOMMENDING APPROVAL OF THE CITY'S CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2003-2004 AND FINDING THE PROGRAM CONSISTENT WITH THE GENERAL PLAN, NOTING FOR THE RECORD 1) THE FACT THAT THE PARK ACREAGE IS LESS (4.1ACRES /1,000 POPULATION) THAN THE GENERAL PLAN REQUIRES; 2) CONCERN THAT THE FIRE STATION CONSTRUCTION IS OUTSIDE THE 5-YEAR PLAN; AND 3) NEED TO PUSH FOR COMPLETION OF PL566 ENGINEERING. COMMISSIONER BENICH MADE THE SECOND. THE MOTION CARRIED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT.

ANNOUNCEMENTS:

PM Rowe reported that at the May 7, 2003 City Council, the following actions were approved: Development Agreements for Christeph/Kosich, Dewitt/Marquez and Christeph/Kamangar/Pine Brooks Trust.

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The Council also accepted the Downtown Task Force Report, looking 'hard' at the timing of the traffic study, only following the Hwy 101 widening and the Butterfield/Tennant extension. Of special interest, PM Rowe informed, was the recommendation for narrowing Monterey for traffic calming, having only one lane in each direction.

Commissioner Mueller reported that the Burrowing Owl plan is 'finally cleaned up' and the City is taking a 'very different, innovative approach to the problem'. The City is determined to be proactive in establishing enhanced sites within the City limits, as well having 'no disking' on vacant land(s). Consideration may be given to inclusion of RDCS points for mitigations. He told of the mitigation measures being put into place at the water tank. "We have found a better way!" Commissioner Mueller exclaimed.

Commissioner Benich reported he attended the Coyote Valley Improvement Committee, and delineated the items discussed.

ADJOURNMENT: With no further business to come before the Commission, the meeting was adjourned at 11:20 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk